

EXHIBIT 7

SANDRA KIRKMAN, ET AL vs STATE OF CALIFORNIA, ET AL
John Van Dragt on 04/09/2024

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3
4 SANDRA KIRKMAN, CARLOS ALANIZ,)
individually and successor-in-)
5 interest to JOHN ALANIZ, deceased,)
)
6 Plaintiffs,)
)
7 vs.) Case No.
) 2:23-CV-07532-DMG-SSC
8 STATE OF CALIFORNIA, RAMON SILVA,)
and DOES 1-10, inclusive,)
9)
Defendants.)
10 _____)
11
12
13

14 REMOTE VIDEOCONFERENCE DEPOSITION OF
15 JOHN VAN DRAGT
16 TUESDAY, APRIL 9, 2024
17
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21
22

23 Reported Stenographically By:
24 Jinna Grace Kim, CSR No. 14151
25 Work Order: 56268

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1 Q. So what was the nature of the call for the case
2 we're here to talk about?

3 A. So I was working a Cal-Trans Unit. I was positioned
4 on the eastbound 105 to the Studebaker off-ramp. There's a
5 closure there for landscaping, and during this time I
6 monitored a call from East LA of a person down in lanes being
7 ran over multiple times.

8 So I checked my -- we call it F11, but it's like a
9 tracker for where everyone is. I started listening to where
10 people were saying they were in route from, and I appeared to
11 be the closest unit even though I was on a my overtime
12 detail.

13 So due to the gravity and nature of the call, the
14 person being possibly ran over, I wanted to go and help and
15 assist. So I responded from my -- to assist and see what I
16 could do to help out with the scene.

17 Q. Great. And do you have an estimate as to how long
18 it took you to get from where you coming from to the scene?

19 A. To the where I first had contact with something
20 involving this incident, probably, two minutes, two to three
21 minutes. That off-ramp that I was on ends, and then he just
22 turned right around and get right back on the eastbound
23 105.

24 Q. Okay --

25 A. -- 105. Sorry. I apologize.

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1 A. Not that I recall, no, sir.

2 Q. Did you have any information that anybody other than
3 the individual involved had been injured?

4 A. Not that I recall.

5 Q. Any information that anyone had been threatened in
6 any way verbally?

7 A. No, sir. Not that I recall.

8 Q. Any information that anybody had a weapon like a gun
9 or knife?

10 A. No, sir.

11 Q. Did you have any specific information about the
12 nature of the accidents or the circumstances under which this
13 person was being struck or run over?

14 A. So the original call came out and as kind of like
15 advisory to us in the San -- area because we're so close to
16 East LA. The call came out East LA's radio.

17 So they -- they -- what I explained there is a
18 person down or a person being ran over by, you know, by
19 vehicles, that was my initial call, and then I responded.

20 And while I was responding I observed a helicopter
21 now as I'm going westbound, and then I asked that the
22 helicopter -- somehow helicopter's on the East LA's radio.

23 So that's when I switched to the East LA's radio.

24 Q. And when you switched to the East LA radio, did you
25 get additional information?

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1 A. At some point while I was on my way there on a
2 traffic break it came out this party may be 1031 which is
3 possible suicide.

4 Q. I was going to ask you about that because I think
5 you referenced that number in your statement.

6 Do you recall that?

7 A. Yes.

8 Q. So 1031, that's someone who is potentially
9 suicidal?

10 A. Yes -- code.

11 Q. And were you thinking that, you know, maybe this
12 person was possibly trying to get hit by the vehicles when
13 you heard the 1031?

14 A. So I was super confused at the moment because this
15 has now gone from a party being ran over in lanes, and then
16 on my way to this location I came across westbound 105 at
17 Lakewood a semi truck stopped in lanes and a person was
18 running towards me which was appeared to me the driver of the
19 semi truck.

20 Somehow he was trying to tell me that he was
21 involved somehow in this incident, and that he was pointing
22 down westbound like the person was continued that way.

23 So I was super confused because this has come out
24 near East LA'S area. So I would -- I didn't know if this was
25 the same incident or if this is something different that this

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1 Q. Now this person with the vest, is this the person
2 who you ended up tasing, or you tased another person?

3 A. This was that -- that was just a witness that was
4 running.

5 Q. So at first you were thinking maybe that's the
6 subject of the call?

7 A. I did, sir, yes. I believe that was the subject of
8 the call, and that's why I figured I was in a good tactical
9 position. I parked there. He would contact him and if that
10 pedestrian ran from -- from him, that I would we right there
11 to contact him or if he ran into lanes, we can go together
12 like we usually do. And we would detain him and put him in
13 handcuffs --

14 Q. Okay --

15 A. -- and remove them from the freeway.

16 COURT REPORTER: Okay. I'm sorry to interrupt.
17 But could you slow down, please?

18 THE WITNESS: Yes, ma'am. I'm trying.

19 I apologize.

20 BY MR. GALIPO:

21 Q. Okay. I tell people, you know, I'm dating myself
22 now, but growing up we had the record players, you know, and
23 we had the 45, the 78, and the 33 speed, you know, the slower
24 speed --

25 A. Yeah.

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1 Q. -- you know, yeah, you got to try to --

2 A. I'll slow down, sir.

3 Q. Just slow down. And I understand what you're
4 saying, but I don't have to take every word down.

5 A. No. I understand.

6 Q. And believe me, if I had to do it, we'd be here for
7 about three days.

8 So thank you for that.

9 At some point did you form the impression that the
10 person with the vest on was not actually the subject of the
11 call, someone else was?

12 A. Yes, sir. So I exited my patrol car and was going
13 to make -- watch the motor make contact with this pedestrian.
14 As I exited my patrol car I heard someone over the radio, and
15 I don't to this day who it was. It could have been the air
16 ship, but someone said he's behind you.

17 And so then I realized, okay, this is not the person
18 that I was looking for. And so I looked behind my patrol --
19 I walked behind my patrol car, and I noticed a male standing
20 on the -- is there a way to make your screen come back
21 because right now the court reporter is popped up.

22 Q. Oh, what happened --

23 A. There you go. Okay.

24 Q. Sorry.

25 A. You're fine. And so I exited my patrol vehicle, and

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1 I looked behind my patrol car, and there was a male standing
2 on the right shoulder wearing shorts with his hands in his
3 pockets staring into lanes.

4 Q. Okay. Thank you for that.

5 Let me just stop you for a second.

6 I'm going to try to put an exhibit up.

7 I'm going to see if Shannon could help me with this.

8 I don't know if you could see this exhibit.

9 Do we have something similar we can put up?

10 A. Yes, sir. I see it. That's my patrol vehicle.

11 MS. LEAP: Yeah. And I can share my screen.

12 MR. GALIPO: Okay. Hold on. We're going to share
13 screen so that way, everyone could see it, and I was showing
14 you, but also showing Shannon so she'll know what I was
15 hoping to get.

16 MS. LEAP: My computer is being a bit slow, but it's
17 opening up.

18 MR. GALIPO: Okay. I'll keep talking, but as soon
19 as you can put it up, you can go ahead and do it.

20 MS. LEAP: Okay.

21 BY MR. GALIPO:

22 Q. Do you recall how far the person was from you?

23 And I mean the second person that ended up being the
24 subject of the call when you first saw him?

25 A. I would say three car lengths. So I'm not the best

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1 Q. And there seems to be another car in this image or a
2 small pickup truck behind you on the shoulder facing west.

3 Do you see that?

4 A. Yes.

5 Q. Do you recall seeing that pickup truck at any time
6 before the tasing?

7 A. No, sir. I don't have any other -- other than the
8 pedestrian behind the car, I couldn't tell you what was
9 behind me.

10 Q. Now, where were you positioned relative to your
11 patrol car when you first see this person?

12 A. So I exited my patrol car on the driver side door
13 there. I walked to the back, went there with a tail light,
14 and I noticed a male standing on the shoulder.

15 Q. And do you know where that male was standing in
16 relation to this pickup truck we see?

17 I know the pickup truck wasn't there at the time.

18 A. I couldn't tell you, sir. He was back there on the
19 shoulder probably near there or like around my -- just past
20 the door. Right around where the door is open right there.

21 I would say that's how far he was.

22 Q. Okay. And was --

23 A. About 18 feet long. So that's probably about
24 right.

25 Q. Was this individual generally facing in your

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1 direction?

2 A. So at first he was facing in the lanes.

3 He was facing southbound standing on the right

4 shoulder staring in the lanes.

5 Q. And what, if anything, did you say to him when you

6 saw him?

7 A. So I came around the patrol vehicle and I observed

8 him with his hands in his pockets. And due to him having his

9 hands in his pockets, I ordered him, let me see your hands.

10 He then began to comply. His hands came out for a

11 second, and then his hands went back into his pockets.

12 Q. Do you recall what he was wearing, generally?

13 A. Some kind of sweatshirt. I believe it was a black

14 sweatshirt and like camo shorts.

15 Q. And when you say his hands were in his pockets,

16 you're talking about the pockets to his sweatshirt?

17 A. Yes, sir.

18 Q. Did it appear that both hands were in his hands,

19 initially?

20 A. That's what I recall. Yes, sir.

21 Q. And you told him, let me see your hands, or words to

22 that effect?

23 A. Yes, sir. Trying to de-escalate the situation.

24 I attempted to advise him to let me see his hands so

25 we can place him into -- detain him and get him off the

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1 freeway or figure out what is going on.

2 Q. And he initially took his hands out of his

3 pockets?

4 A. Yes. His hands went up for a few seconds, and then

5 he shoved them back into his pockets.

6 Q. Now, I know you were asked this, I believe, at the
7 time of your statement.

8 You wear either prescription glasses or contacts?

9 A. Glasses. Yes, sir.

10 Q. Do you have prescription glasses on now?

11 A. Yes.

12 Q. Is that similar to the type of glasses you had on at
13 the time of the incident?

14 A. They're either identical or they're the same type of
15 pair. I have not switched glasses in the last four years.

16 Q. And do they help you seeing far?

17 A. Yes.

18 Q. With them, do you feel comfortable you can see
19 well?

20 A. Yes. I hope so.

21 Q. I hope so too. So when you asked this gentleman to
22 take his hands out of his pockets, and he took his hands out,
23 could you see anything in his hands at that point?

24 A. So he -- he complies, takes his hands out, he shoves
25 his hands back into his pockets, he spins on his heels very

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1 fast, and he begins to run towards my location.

2 While he's running at me, he retrieved something

3 from his right pocket and goes to a shooting platform towards

4 my location.

5 Q. Okay --

6 A. As he's -- as he's advancing on me.

7 Q. So let me just make sure I'm understanding you.

8 Prior to him starting to run, so before he started

9 to run, did you see any object in his hands?

10 A. No.

11 Q. And how soon after him putting his hands back in his

12 pockets did he start to run in your direction?

13 A. In my perspective it was a second or milliseconds.

14 It was very fast.

15 Q. Okay. Almost immediately?

16 A. That's how I felt on-scene, yes.

17 Q. Okay. So when he started to run, were his hands

18 still in his pocket, or had he taken them back out again?

19 A. So as he spun on his heels and he ran towards me,

20 like within the first step he was back out of his -- out of

21 that pocket with the -- out of the right pocket with whatever

22 object it was in a shooting platform pointed towards me.

23 Q. So would you say you saw the object in his hands

24 right when he started running within the first few steps?

25 A. One the first few steps.

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1 Q. And would you say he was in the shooting platform
2 also within the first few steps?

3 A. From what I recall, yes, sir.

4 Q. And were you still at the back of your vehicle, or
5 were you tactically repositioning at this point?

6 A. So that -- he drew out in a shooting platform.

7 Based on -- on the -- being daylight and my
8 location, and I know firearms, what he was pointing at me
9 would have had to been a cannon from my perspective.

10 It was too round. I described it as a Subway
11 sandwich like the width of like a sandwich. So it's -- it --
12 to me the only reason that I didn't fire at that moment is
13 because it just looked like it was too big to be any kind
14 of -- it had to be a cannon.

15 And so I -- and I couldn't -- I couldn't determine
16 what it was. It could have been a gun. It could have been a
17 knife. I don't know.

18 But due to the fact in that millisecond that I
19 determined that it was too big to be a gun, I tactically made
20 my way back around the patrol car. I transitioned to my
21 Taser due to the fact that I felt I was being attacked.

22 Q. So up to the point where this individual started
23 running, did you hear him saying anything to you?

24 A. No, sir.

25 Q. Did you hear him saying anything to anyone else?

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1 I've seen people make homemade shotguns out of pipes, and
2 they can fire them from -- pocket. So it could be
3 anything.

4 Q. I realize that. But would you at least agree that
5 generally firearms have certain characteristics?

6 A. Yes, sir. Like the one you would buy at a store,
7 yes, sir.

8 Q. And it sounds like when you observed this object in
9 the individual's hand initially, you had your firearm out?

10 A. Yes, sir.

11 Q. And what type of firearm did you have?

12 A. I carry a Smith&Wesson M&P, it's a 40-cal.
13 It's CHP-issued firearm.

14 Q. Are you right-handed or left-handed?

15 A. I'm right-handed, sir.

16 Q. So do you ordinarily carry your holster for your
17 firearm on your right side?

18 A. On my right hip.

19 Q. And where would you normally carry the X2?

20 A. It's on my left hip. So it's retrieved with my left
21 hand, and I would -- I would move it to my right hand to
22 deploy it.

23 Q. Okay. And how far was this object or the individual
24 with the object from you when you first saw it?

25 A. He's right back around on the shoulder a couple,

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1 maybe a step or two towards my location from his original
2 location.

3 Q. So just a little bit closer than the 30 to 50
4 feet?

5 A. Yes, sir.

6 Q. And if I'm understanding your testimony correctly,
7 from your perspective when you saw it, you did not think it
8 was a firearm; is that fair?

9 A. I could not clearly identify as a firearm.

10 I was -- I was unsure, and that's why I did not
11 deploy my firearm because I was unsure that -- what it was.

12 It could have been a firearm in a -- in a -- in a
13 case, but because of that case being so round, I could not
14 clearly identify it as a firearm. So I did not fire my
15 weapon.

16 Q. But is it fair to say if you thought it was a
17 firearm, you would not have holstered your weapon at that
18 point; is that a fair statement?

19 A. I would have fired my firearm.

20 Q. If you thought it was a firearm?

21 A. Yes.

22 Q. Okay. But you holstered your firearm because at the
23 time you did not think it was a firearm; is that fair?

24 A. I holstered my firearm because I could not -- I
25 could not identify it clearly as a firearm. I knew it was

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1 something. I didn't know what it was. It could have been a
2 knife, it could have been a firearm.

3 But because of the round, the shape of it, I could
4 not deploy my -- I could not fire my -- my weapon at that
5 moment.

6 **Q. Do you recall in your statement that you, from your**
7 **perspective, you did not recognize the object in the person's**
8 **hands as a firearm?**

9 **A.** Yes. That's why I -- that's what I'm saying.
10 I didn't recognize it as a firearm. Like it was --
11 it would have to be a cannon.

12 **Q. Right. And do you recall in trying to explain based**
13 **on the size and the shape of it, in your opinion, you did not**
14 **think it was a firearm?**

15 **A.** Similar to what I said today, yes, sir.
16 I described it as a Subway sandwich, yes, sir.

17 **Q. Do you recall what color the object was?**

18 **A.** I don't recall what it was as he ran at me, but it
19 was -- from the photos later on, it was a gray object.

20 **Q. Do you know what material it was made out of?**

21 **A.** I don't, sir. It appeared to be a like a sunglass
22 case.

23 **Q. Like a gray sunglass case?**

24 **A.** Uh-huh.

25 **Q. Is that yes?**

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1 A. Yes.

2 Q. Then you said -- was it fear, intent, and ability?

3 A. Yes.

4 Q. And the intent would be that the person had the
5 intent to cause you death or serious bodily injury?

6 A. To cause myself or others.

7 Q. And then the ability, what does that relate to?

8 A. Ability is -- is that all falls into play with the
9 whole circumstance in a whole. So if -- if -- the -- the
10 ability would be let's say I'm in a fist fight and that
11 the -- I'm getting punched over and over and over again, the
12 ability to now I'm going to unconscious soon is there.

13 So his -- his fist is his ability. At that point I
14 would deploy my firearm to save my life.

15 Q. So in this case when you determined in your mind
16 that it was not a firearm, at that point you didn't think the
17 person had the ability to cause you to shoot you, at least
18 with a firearm; is that fair?

19 A. I did not know. I did not know if there was a
20 firearm, but I could not clearly identify it as a firearm or
21 a knife or if he was -- I knew I was being attacked, but I --
22 I couldn't justify firing my firearm at that moment.

23 Q. How much time would you say passed from the person
24 running towards you in the shooting platform you described to
25 the time you deployed your Taser?

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1 A. A few seconds.

2 Q. When you say a few, do you have a range in mind?

3 A. I don't. I don't recall, sir.

4 Q. I take it you would have holstered your weapon and
5 then pulled out your Taser?

6 A. Yes. Unless it's an extreme emergency, I would -- I
7 would never keep my firearm out or my -- and my Taser out at
8 the same time due to the -- there could be a accidental
9 discharge of my firearm.

10 So I would holster my firearm and deploy my -- and
11 retrieve my Taser.

12 Q. Do you know how much time passed initially from you
13 asking the person to show you his hands and then him taking
14 his hands out of his pockets?

15 A. In my -- in my recollection and in my mind, it was a
16 second.

17 Q. Was the individual -- did the individual remain in
18 your field of view from the time he started running in your
19 direction to the time you deployed your Taser?

20 A. Yes. Yes, sir. After I deployed my Taser I was now
21 in the front of my patrol vehicle, and that would be the time
22 that I lost visual of him for a -- for a few seconds.

23 Q. Okay.

24 MR. GALIPO: Can we put Exhibit 1 back up, please,
25 Shannon.

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1 BY MR. GALIPO:

2 Q. So I think you were explaining to me that you
3 started out with your firearm out towards the rear of your
4 patrol vehicle; is that correct?

5 A. Yes, sir.

6 Q. And then at some point you observed him moving in
7 your direction?

8 A. Yes.

9 Q. And is that when you tactically repositioned?

10 A. Yeah. I mean I tactically repositioned once I --
11 I -- I was unable to identify it as a firearm and with him
12 advancing on me very quickly with an unknown object in his
13 hands. I came around the patrol car around my open door, and
14 as I got right there by that -- the beginning of that -- of
15 that wrap around bumper, I deployed my Taser as I continued
16 to move in front of the patrol vehicle.

17 Q. And you believe your door would have been opened at
18 the time?

19 A. Yes, I believe it was open.

20 Q. And are you saying that you were towards the front
21 driver's bumper of your vehicle when you deployed your
22 Taser?

23 A. Yes, sir.

24 Q. And do you know approximately where the individual
25 was that you tased in relation to your vehicle?

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1 A. Advancing on me, I would say very close to the --
2 the front tire.

3 Q. So you think you had made it past the open door at
4 the time of the Taser deployment?

5 A. Yes. Otherwise, I wouldn't -- I wouldn't have
6 been -- had it on my sight to -- to deploy my Taser.

7 Q. How far was he approximately from you when you
8 deployed your Taser?

9 A. Three, three to five feet.

10 Q. Did you hear anyone say "drop it" before you
11 deployed your Taser?

12 A. Not that I recall, no, sir.

13 I -- I was giving him commands to get on the ground
14 as he was attacking me.

15 Q. Did you hear anyone give a verbal warning that
16 deadly force was going to be used before you deployed your
17 Taser?

18 A. No, sir.

19 Q. Did you say anything to him before you deployed your
20 Taser other than "let me see your hands and get on the
21 ground?"

22 A. No, sir.

23 Q. Did you hear any gunshots before you deployed your
24 Taser?

25 A. No.

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1 Q. Does it generally look different than a firearm?

2 A. Yes.

3 Q. And do you have training on the sound that the X2
4 makes when you deploy it?

5 A. I know the sound the X2 makes.

6 Q. Is the sound different than the sound of a
7 firearm?

8 A. It's a little lower, but it does make a popping
9 noise.

10 Q. Are you --

11 A. I would -- I would -- I apologize.

12 Q. No. Go ahead.

13 A. I would say a similar sound to like a 22, like a
14 low -- like that low, you know, 22 sound, like a smaller
15 caliber.

16 Q. I was just wondering whether you're able to
17 recognize the sound of a Taser when you hear it from your
18 experience.

19 A. If I had my eyes closed and someone deployed a Taser
20 and they asked me if it was a Taser or a firearm, I wouldn't
21 be able to tell you which is which. The only reason you can
22 tell a Taser it's in a quiet environment and you would hear
23 the -- the ark.

24 Q. And did you say he went down in a prone position?

25 A. Yes, sir.

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1 subject goes to the ground.

2 Q. How much time do you think passed from your Taser
3 deployment to hearing the shots start?

4 A. Milliseconds. It was all within that same time
5 frame.

6 Q. Could you tell if your -- if the Taser darts struck
7 him from three to five feet away?

8 A. No. Because like I said, I was -- I was still on
9 the move, and I was -- I was making my way to the -- the
10 front of the patrol car creating more distance.

11 I -- I -- I deployed the Taser on the move.

12 Q. Do you recall being asked in your interview about
13 how far you were from the suspect when you were able to
14 identify that the object in his hand was not a firearm, and
15 you said, "when he was on the shoulders" is when you could
16 see that.

17 Do you recall that part of your interview?

18 A. I don't recall that. When he -- so when he spun on
19 his heels, my recollection is -- is that he spun on his heels
20 and he's running at me, and that's -- he would still be on
21 the shoulder at that point. So maybe that's what I was
22 meaning.

23 Q. Okay.

24 MR. GALIPO: Shannon, could we possibly put up Page
25 22 of his interview?

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1 Q. Okay.

2 MR. GALIPO: Thank you, Shannon.

3 Oh, can you go back to that page real quick to Line
4 21.

5 BY MR. GALIPO:

6 Q. And then you see where you say, "I would say like I
7 said, 30 feet."

8 And you continue on Line 23, "30 to 35 feet."

9 A. Yes, sir, I see that.

10 Q. Okay.

11 MR. GALIPO: Thank you, Shannon.

12 BY MR. GALIPO:

13 Q. That was the approximate distance you were from him
14 when you saw the object in his hands?

15 A. Yeah. The three car lengths, like I said.

16 That's when he spun on his heels and on that
17 shoulder is when came at -- he pulled it out of his right
18 pocket and began advancing on my location.

19 Q. Okay.

20 MR. GALIPO: Is this a good time to take a break for
21 ten minutes for everyone?

22 COURT REPORTER: Yes.

23 THE WITNESS: Yes, sir.

24 MS. REYES: Yeah.

25 (Recess taken.)

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1 Q. And when you say a Subway sandwich, I go to Subway
2 once in a while, and I know you got the six inch and the
3 twelve inch.

4 What size are you referring to?

5 A. I was just referring to like the width the sandwich,
6 that's I described like the roundness, not the length.

7 Q. Okay. I won't get into the types of Sandwiches they
8 have there. We'll save that for another day.

9 Were you trained to give a warning when feasible
10 before using the Taser, also?

11 A. When feasible, audible Taser would -- would be -- in
12 the perfect world, you would -- "Taser, Taser, Taser" would
13 be what you would try to yell or say.

14 Q. So was the individual generally facing in your
15 direction when you deployed the Taser?

16 A. Yes. He was advancing on me continued his attack
17 when I deployed my Taser.

18 Q. Did he ever punch you or kick you?

19 A. No, sir.

20 Q. Did he ever throw anything at you?

21 A. No, sir.

22 Q. Did he ever make physical contact with you before
23 you deployed the Taser?

24 A. No, sir.

25 Q. Were you looking in his direction when you heard the

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1 A. Yes, sir.

2 Q. And did you ever approach the individual when he was
3 on the ground after the shooting?

4 A. Yes.

5 Q. And was he still alive when you approached him, if
6 you know?

7 A. I recall him breathing temporarily, and then that
8 was it.

9 Q. So he was breathing for some time, and then at some
10 time stopped?

11 Yes. We -- once he was placed -- he was placed into
12 custody, then we began medical aid.

13 Q. Was he still alive when he was placed in
14 handcuffs?

15 A. I couldn't tell you, sir. I don't recall.

16 Q. Did you note if there were any gunshot wounds to
17 him?

18 A. Yes. So upon placing the handcuffs, he was roll --
19 rolled over, and I noted a gunshot, I believe, in his right
20 leg, his right thigh.

21 Q. And any other shots other than that that you
22 noted?

23 A. I don't recall seeing anything other than that.

24 I know I advised an officer there to place the
25 tourniquet on that leg because of the wound that I saw.

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1 And then at that point fire department showed up

2 very soon after that, and I stepped back.

3 Q. Did you ever hear the individual that was shot say
4 anything either before the shooting or after?

5 A. No, sir.

6 Q. Did the shooting officer say anything to you or ask
7 you anything after the shooting?

8 A. I believe he asked me, "Was that a gun?"

9 Q. And did you respond to that?

10 A. I can't remember what I said to him at this moment.

11 I would have to review the video. I said something
12 to him, "No, it's right there." Something of that nature.

13 Q. Anything else you recall conversation-wise between
14 you and the shooting officer?

15 A. I asked him if he was okay, and then I checked him,
16 I looked at him because he said he hadn't checked himself,
17 and then we went to -- beginning the transition to -- to
18 taking the subject into custody and beginning medical aid.

19 Q. Okay. We're going to try to play a portion of the
20 video footage of the shooting. And just listen to the part
21 where the officer asks you, you know, what was a gun, or
22 words to that effect, and see if you can make out what your
23 response was.

24 Okay?

25 A. Yes, sir.

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1 BY MR. GALIPO:

2 Q. Can you see your glasses?

3 A. Yes, sir. Those are similar.

4 Q. At least similar glasses?

5 A. I kept the same frame. So they could be the old
6 pair, but they're the same ones.

7 Q. But the same or similar prescription as far as you
8 know?

9 A. Yes, sir.

10 Q. Okay.

11 MR. GALIPO: We can keep playing.

12 (Video playing.)

13 MR. GALIPO: Stop right there.

14 (Video paused.)

15 MR. GALIPO: Thank you, Shannon.

16 So let's put up -- there is a few photos that show
17 the item on the ground somewhere from further away and some
18 are from closer up.

19 I don't think we need to mark unless counsel wants
20 it marked.

21 Do you want marked the -- well, I guess we'll just
22 make it Exhibit 2, the video footage.

23 (Exhibit 2 was marked for identification.)

24 MR. GALIPO: And then the next one would be Exhibit

25 3. You can put it up, Shannon. I'm looking for something

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1 that has the item on the ground, and I know a couple of them

2 are from further away and a couple are closer up.

3 (Exhibit 3 was marked for identification.)

4 BY MR. GALIPO:

5 Q. Are you able to see the photograph on your screen?

6 A. Yes.

7 Q. And we still see your vehicle in the photograph?

8 A. Yes, sir.

9 Q. And this gray item that you described as potentially
10 an eyeglass case, can you see it on the ground in this
11 image?

12 A. Yes, sir.

13 Q. And is it near the end of the shoulder of the road
14 if you could tell?

15 A. No. My patrol car is on the shoulder.

16 That's the lane.

17 Q. Okay. Do you think that might be a lane?

18 A. I -- I believe so.

19 Q. Okay --

20 A. The -- the white line right there my left front tire
21 is almost on it --

22 Q. Oh, yeah. Thank you.

23 MR. GALIPO: And then can we have Exhibit 4, please.

24 (Exhibit 4 was marked for identification.)

25 BY MR. GALIPO:

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1 Q. This also shows the show from a different
2 perspective?

3 A. Uh-huh.

4 Q. Is that yes?

5 A. Yes, sir.

6 Q. And is that the that you recall seeing?

7 A. You mean like while he was running at me?

8 Q. Yes.

9 A. I don't recall the color, sir.

10 Q. Is that the approximate shape you recall?

11 A. Yes, sir.

12 MR. GALIPO: And go to the next exhibit, I guess, is

13 5.

14 (Exhibit 5 was marked for identification.)

15 BY MR. GALIPO:

16 Q. That the item is a little closer up.

17 Does that appear to be the item you recall seeing at
18 the scene?

19 A. Yes, sir.

20 MR. GALIPO: And Exhibit 6 if we have a little
21 closer up.

22 (Exhibit 6 was marked for identification.)

23 BY MR. GALIPO:

24 Q. Again, you described it as a Subway sandwich.

25 When you look at it does it look like the size of a

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1 Subway sandwich here?

2 A. Yes, sir.

3 Q. Maybe more of a six inch than a twelve inch?

4 A. There was no way that -- that I could see.

5 It was -- it was pointing at me.

6 Q. Okay. I got it. All right.

7 But this is the item that you recall seeing at the

8 scene and you believe was in his hands?

9 A. Yes.

10 Q. Okay.

11 MR. GALIPO: Thank you, Shannon.

12 So we can go back to full screen.

13 BY MR. GALIPO:

14 Q. Are you trained that if you have information that
15 someone in a vehicle that you stopped may have a firearm, are
16 you trained to either draw your firearm and/or take cover
17 depending on the situation?

18 A. Yeah. If I -- if I made a traffic stop and I was
19 pointing a firearm, it would be felony stop situation.

20 So I would stay behind cover in a felony -- felony
21 stop procedures would go into place.

22 Q. What if you had no prior information the person had
23 a firearm, and they suddenly -- you see a firearm on their
24 person or they pull it out of their pocket, then are you
25 trained to immediately draw your firearm?

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1 CERTIFICATE

2 OF

3 CERTIFIED STENOGRAPHIC SHORTHAND REPORTER

4

5 I, JINNA GRACE KIM, CSR No. 14151, a Certified
6 Stenographic Shorthand Reporter of the State of California,
7 do hereby certify:

8 That the foregoing proceedings were taken before me
9 at the time and place herein set forth;

10 That any witnesses in the foregoing proceedings,
11 prior to testifying, were placed under oath;

12 That a verbatim record of the proceedings was made
13 by me, using machine shorthand, which was thereafter
14 transcribed under my direction;

15 Further, that the foregoing is an accurate
16 transcription thereof.

17 I further certify that I am neither financially
18 interested in the action, nor a relative or employee of any
19 attorney of any of the parties.

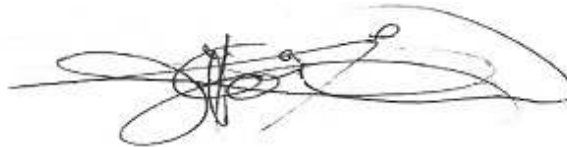
20

21 IN WITNESS WHEREOF, I have subscribed my name, this
22 date: April 9, 2024.

23

24

25



Jinna Grace Kim, CSR No. 14151



EXHIBIT
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